

# REPORT OF THE COMMITTEE ON ZONING AND PLANNING

## Voting Members:

Trevor Ozawa, Chair; Ron Menor, Vice-Chair;  
Carol Fukunaga, Ann H. Kobayashi, Joey Manahan

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Committee Meeting Held  
August 25, 2016

Honorable Ernest Y. Martin  
Chair, City Council  
City and County of Honolulu

Mr. Chair:

Your Committee on Zoning and Planning, which considered Bill 44 (2016) entitled:

"A BILL FOR AN ORDINANCE TO AMEND CHAPTER 21A, REVISED  
ORDINANCES OF HONOLULU 1990, (FLOOD HAZARD AREA ORDINANCE),  
RELATING TO FLOOD HAZARD AREAS,"

transmitted by Departmental Communication 428, and which passed First Reading at the  
July 6, 2016 Council meeting, reports as follows:

The purpose of Bill 44 (2016) is to amend the Flood Hazard Area Ordinance, Chapter 21A, Revised Ordinances of Honolulu 1990, to adopt language and construction standards required by the Federal Emergency Management Agency, establish fees for the processing and administering of Flood Hazard Area related permits, and for housekeeping purposes.

At your Committee's meeting on August 25, 2016, one individual provided comments.

Your Committee has prepared a CD1 version of the bill that corrects drafting errors and makes other technical and non-substantive amendments.

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## CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON

SEP 07 2016

COMMITTEE REPORT NO. 276



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Your Committee on Zoning and Planning is in accord with the intent and purpose of Bill 44 (2016), as amended herein, and recommends that it pass Second Reading and be scheduled for a public hearing in the form attached hereto, as Bill 44 (2016), CD1. (Ayes: Ozawa, Fukunaga, Kobayashi, Menor – 4; Noes: None; Excused: Manahan – 1.)

Respectfully submitted,



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Committee Chair

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**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON SEP 07 2016

COMMITTEE REPORT NO. 276





**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL 44 (2016), CD1

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**A BILL FOR AN ORDINANCE**

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TO AMEND CHAPTER 21A, REVISED ORDINANCES OF HONOLULU 1990, (FLOOD HAZARD AREA ORDINANCE), RELATING TO FLOOD HAZARD AREAS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and intent. The purpose of this ordinance is to amend the Flood Hazard Area Ordinance, Chapter 21A, Revised Ordinances of Honolulu 1990, to adopt language and construction standards required by the Federal Emergency Management Agency, establish fees for the processing and administering of Flood Hazard Area related permits, and clarify procedural requirements.

SECTION 2. Section 21A-1.3, Revised Ordinances of Honolulu 1990 ("Administration"), is amended by adding a new subsection (i) to read as follows:

"(i) Fees:

	<u>Type of Permit</u>	<u>Fee</u>
(1)	<u>Floodway Permit</u>	<u>\$600.00</u>
(2)	<u>Flood Variance</u>	<u>\$600.00</u>
(3)	<u>Letter of Map Amendment (LOMA), and Revision Based on Fill (LOMR-F)</u>	<u>\$300.00</u>
(4)	<u>Letter of Map Revision (LOMR), and Physical Map Revision (PMR)</u>	<u>\$600.00</u>
(5)	<u>Flood Hazard Area Interpretation</u>	<u>\$150.00"</u>

SECTION 3. Section 21A-1.7, Revised Ordinances of Honolulu 1990 ("Floodway area"), is amended by amending subsection (a) to read as follows:

"(a) A floodway permit [shall] must be obtained from the director before approval or issuance of any other permits for all new construction of or substantial improvements to structures within the floodway area."



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## A BILL FOR AN ORDINANCE

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SECTION 4. Section 21A-1.8, Revised Ordinances of Honolulu 1990 ("Flood fringe area"), is amended by adding two new subsections (e) and (f) to read as follows:

- "(e) New construction and substantial improvements of below-grade crawlspaces must be constructed in accordance with the requirements of FEMA Technical Bulletin 11-01 and amendments thereto. A licensed engineer or architect must certify that designs for below-grade crawlspaces meet these requirements.
- (f) Accessory residential structures of less than 600 square feet that are used solely for parking or limited storage or both, and are constructed with the lowest floor below the base flood elevation, must be designed to meet the following minimum criteria:
- (1) The structure must be anchored to resist flotation, collapse, and lateral movement;
  - (2) Any portion of the structure located below the base flood elevation must be constructed of flood-resistant materials;
  - (3) The structure must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters in accordance with the provisions of preceding subsection (c);
  - (4) All mechanical and utility equipment housed inside the structure must be elevated to or above the base flood elevation;
  - (5) The use of the structure must be limited to parking or limited storage or both.

A licensed engineer or architect shall certify that designs for accessory residential structures subject to this subsection meet these minimum criteria."

SECTION 5. Section 21A-1.13, Revised Ordinances of Honolulu 1990 ("Substantial Improvements"), is amended to read as follows:





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**"Sec.21A-1.13 Substantial improvements.**

(a) All structures proposed to be substantially improved must be brought into compliance with the standards and provisions of this chapter. For the purpose of determining substantial improvement, the applicant shall provide the market value of a structure and the cost of the proposed improvements to the structure [shall be provided by the applicant] from the following sources:

[(a)] (1) Itemized estimates made by an independent professional construction estimator;

[(b)] (2) Appraisals prepared by an independent licensed appraiser, including appraisals of market value;

[(c)] (3) Calculations based on square foot cost factors published in building cost estimating guides recognized by the building construction industry, and signed and stamped by an independent licensed engineer or architect.

(b) The director may require additional or revised documentation should the estimated market value or cost of improvements appear to be inconsistent with the specific characteristics of the building."

SECTION 6. Section 21A-1.14, Revised Ordinances of Honolulu 1990 ("Certification Standards"), is amended to read as follows:

**"Sec. 21A-1.14 Certification standards.**

[(a)] Pre-construction, during-construction, and post-construction certification of elevation and floodproofing of new construction, development and improvements within the special flood hazard areas [shall] must be submitted to the director and [shall] must be maintained as a matter of public record[.], in accordance with the following:

[(b)] (a) Pre-construction certification.

Requirements for approval of the building permit [shall] must include the following items, as applicable, and any additional items as required by the director to promote public welfare and safety:



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## A BILL FOR AN ORDINANCE

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(1) Certification of building plans.

Each set of building plans [shall] must include a current topographic survey map prepared by a licensed surveyor, and [shall] must be signed and stamped by a licensed engineer or architect certifying the accuracy of the flood boundary and elevation information.

(2) Flood Hazard Certification.

The [City and County of Honolulu] city's applicable flood hazard certification form [, as amended, shall] must be completed and signed and stamped by a licensed engineer or architect.

(3) Floodproofing Certification.

The Federal Emergency Management Agency "Floodproofing Certificate" form [, as amended, shall] must be completed and signed and stamped by a licensed engineer or architect.

(4) Certification of No-rise Determination.

For all construction and improvements in the floodway, the Federal Emergency Management Agency "No-rise Certification" form [, as amended, shall] must be completed and signed and stamped by a licensed engineer.

[(c)] (b) During-construction certification.

Upon placement of the lowest floor, including the basement, and prior to further vertical construction of a new or substantially improved structure in the special flood hazard area, the Federal Emergency Management Agency "Elevation Certificate" [, as amended, shall] must be completed and signed and stamped by a licensed surveyor.

[(d)] (c) Post-construction certification.

As a condition [for] to the closing of the building permit or issuance of a certificate of occupancy for a new or substantially improved structure in the special flood hazard area, the Federal Emergency Management Agency "Elevation Certificate" [, as amended, shall] must be completed and signed and stamped by a licensed surveyor, engineer or architect."





**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL 44 (2016), CD1

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**A BILL FOR AN ORDINANCE**

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SECTION 7. Ordinance material to be repealed is bracketed and new material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material, or the underscoring.

SECTION 8. This ordinance takes effect upon its approval.

INTRODUCED BY:

Ernest Martin (br)

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DATE OF INTRODUCTION:

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June 27, 2016

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

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KIRK CALDWELL, Mayor  
City and County of Honolulu